IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 33940 of 2006(M)

PETITIONERS:

1. P.R.VENUGOPALAN,
MANAGER, KERALA STATE CO-OPERATIVE BANK
REGIONAL OFFICE, ERNAKULAM.

2. K.S.VIJAYAKUMAR,
MANAGER, KERALA STATE CO-OPERATIVE BANK LTD.,
BRANCH OFFICE, OVERBRIDGE JUNCTION, THIRUVANANTHAPURAM.

3. T.R.SURESH CHANDRAN, MANAGER, IT DEPARTMENT,
KERALA STATE CO-OPERATIVE BANK, HEAD OFFICE,
THIRUVANANTHAPURAM.

4. K.SREEKUMAR, ACCOUNTS OFFICER, IT DEPARTMENT,
KERALA STATE CO-OPERATIVE BANK,
HEAD OFFICE, THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

2. THE KERALA STATE CO-OPERATIVE BANK LTD.,
THIRUVANANTHAPURAM, REPRESENTED BY THE
MANAGING DIRECTOR, KERALA STATE CO-OPERATIVE
BANK, PALAYAM, THIRUVANANTHAPURAM-33.

3. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY TO GOVERNMENT,
CO-OPERATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.R.HARIKUMAR
SR. GOVT. PLEADER SRI. RAVIKRISHNAN
SENIOR GOVT.PLEADER (P.N.SANTHOSH)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONERS' EXHIBITS:
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EXT.P1 TRUE COPY OF ORDER DT. 1-10-2004.

EXT.P2 ORDER DT. 9-8-2005.

EXT.P3 ORDER DT. 16-2-2006.

EXT.P4 MEMORANDUM DT. 30-10-2004.

EXT.P5 RESOLUTION NO. 88.

EXT.P6 LETTER DT. 29-1-2005.

EXT.P7 ORDER DT. 15-12-2006.

[TRUE COPY]

P.S TO JUDGE.

S. Siri Jagan, J.

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W.P(C) No. 33940 of 2006

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Dated this, the 27th February, 2007.

J U D G M E N T

Petitioners 1 to 3 were promoted as Managers and the 4th respondent was promoted as Accounts Officer as per Exts. P1 to P3 orders. They have been continuing in those promoted posts with effect from 1-10-2004, 9-8-2005, 16-2-2006 and 16-2-2006 respectively. The grievance of the petitioners is that while they were so continuing, without affording an opportunity of being heard to them, the 1st respondent has issued Ext. P7 directing the Bank to revert the petitioners as their appointments have been in violation of the Kerala Co-operative Societies Act, Rules and the recruitment procedure of the Kerala Public Service Commission .

2. I have heard both parties.

3. So far as the petitioners have an effective remedy against Ext. P7 order by way of appeal before the Government under Section 83(1)(j) of the Kerala Co-operative Societies Act, it is only proper that I direct them to resort to that effective alternate remedy. Therefore without prejudice to the right of the petitioner to avail of that remedy, this writ petition is dismissed.

Sd/- S. Siri Jagan, Judge.

Tds/